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Self-Determination Still at Issue in the Balkans

One of the greatest shortcomings of European diplomacy since the Cold War's end has been its failure to address the question of self-determination. Equal Rights and Self-Determination of Peoples is enshrined as one of ten Helsinki principles, but no elaboration of this principle has been undertaken within the OSCE to provide consistent responses to Yugoslavia's violent disintegration and other crises driven by self-determination. As a result, governments respond to these crises more from their historical affinities than on commonly based judgement. To some, the conflicts and the political settlements that ended them may now

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l to r, Ranking Commissioner Rep. Steny H. Hoyer (D-MD) and delegation members Reps. Alcee L. Hastings (D-FL), Peter T. King (R-NY) and Chairman of the Delegation Henry J. Hyde (R-IL) at a session of the OSCE PA Warsaw Meeting

U.S. Delegation attends Sixth OSCE Parliamentary Assembly Meeting

The OSCE Parliamentary Assembly (PA) held its 6th annual meeting in Warsaw, Poland from July 5-8. Chairman Rep. Henry J. Hyde (R-IL) led the U.S. delegation that included Commissioner Ranking Member Rep. Steny H. Hoyer (D-MD), a Vice-President of the Assembly and, for the first time, a member of the U.S. Senate, Sen. Tim Hutchinson (R-AR). Other members of the delegation were Representatives John D. Dingell (D-MI), Louise M. Slaughter (D-NY), Bob Clement (D-TN), Pat Danner (D-MO), Alcee L. Hastings (D-FL), Maurice D. Hinchey (D-NY), Peter T. King (R-NY) and Jesse L. Jackson, Jr. (D-IL).

The PA, established in 1991 as a legislative partner to the multilateral framework of the governments participating in the OSCE, was designed to guide a new era of cooperation in East-West relations and to fortify parliamentary democracy in countries undergoing post-Communist transition. At this year's meeting, legislators from fifty-one of the fifty-four participating States attended. (Those countries that did not attend were Albania,

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The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901.

UPDATE ON WAR CRIMES PROSECUTIONS

The statute establishing the International Criminal Tribunal for the Former Yugoslavia was adopted in May 1993 by the U.N. Security Council in Resolution 827. Accordingly states were immediately and legally obligated to cooperate fully with the Tribunal.

This court is the first international tribunal established for the prosecution of war criminals since World War II.

Thus far, the Tribunal has publicly indicted 78 people, including 7 indictments for genocide and 8 indictments for gang rape and enslavement of women. Those indicted include 53 Bosnian Serbs, 1 Croatian Serb, 18 Bosnian Croats (17 of whom fought with Bosnian Croat forces and 1 of whom fought with Bosnian Serb forces), 3 Serbian Yugoslav Army officers, and 3 Bosniacs. The highest ranking political and military figures indicted to date are, respectively, Radovan Karadzic and General Ratko Mladic.

A total of ten indicted suspects are currently in custody in The Hague; one of them (Tihomir Blaskic) holds the rank of general.

General Djordje Djukic was arrested by Bosnian forces on January 30, 1996 and surrendered to the Tribunal in February 1996. Although he was released on humanitarian grounds in April 1996 and subsequently died of cancer, the Tribunal's judges declined to drop the charges against him. Col. Aleksa Krsmanovic, arrested with Djukic and held by the Tribunal under provisional arrest for several weeks, was eventually released for insufficient evidence.

In June 1996, the Tribunal released another man, a Goran Lajic, concluding that his arrest (by Germany) was a case of mistaken identity (i.e., right name, wrong man); charges against Goran Lajic stand.

The Bosnian Government has arrested and surrendered to the Tribunal two indicted war criminals found within its effective jurisdiction. Croatia has transferred two indicted criminals to The Hague, but is believed to permit other indicted suspects to live openly in or transit through Croatia. Indicted suspects have also been seen

openly in Serbia-Montenegro and in the Republika Srpska. Serbia-Montenegro transferred one suspect after he confessed to crimes. Germany and Austria have arrested and transferred to The Hague other suspects.

On June 27, 1997, officials of the Tribunal, in coordination with the U.N. Transitional Administration in Eastern Slavonia (UNTAES), arrested Slavko Dokmanovic under a sealed indictment. It was the first time U.N. officials had been involved in executing an arrest warrant. On July 10, 1997, NATO-led SFOR troops in Bosnia arrested Milan Kovacevic and attempted to arrest Simo Drljaca; Drljaca was killed while resisting arrest.

In April 1996, Antonio Cassese, President of the Judges of the War Crimes Tribunal, formally requested that

Number of Public Indictments:	78
Number of Indictes in Custody:	10
Number of Indictes at Large:	66
Number of Indictes Dead:	2

as of July 25, 1997

the Security Council take steps against Serbia-Montenegro, noting its willful non-compliance with the Tribunal's orders. He reiterated this call in June 1996, after indicted suspect General Ratko Mladic was sighted attending Djordje Djukic's funeral in Belgrade. Mladic was most recently seen in July as he vacationed in Montenegro.

The Tribunal may not try suspects in absentia, but it has the authority, under the Tribunal's Rule of Procedure 61, to hold special proceedings (sometimes called "super-indictments") in open court at which evidence against the accused is received. These public proceedings may result in the issuance of an international arrest warrant. Thus far, eight international arrest warrants have been issued.

The Tribunal is an independent body. No entity—neither the governments of any of the former Yugoslav states nor any of the various international bodies or individual countries which have engaged in mediating peace negotiations—has the authority to require the Tribunal to recognize any amnesties it might purport to grant. Tribunal officials have stated they would refuse to recognize putative amnesties.

After hearing a number of challenges to the court's jurisdiction, the Tribunal's first case, the trial of Dusan

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New Albanian Elections: Problematic but “Acceptable”

Albania held elections on June 29 and July 6 for its 155 seat unicameral National Assembly, seeking a solution to the ongoing political crisis. The fourth parliamentary elections since the collapse of the Communist one-party state in December 1990, they followed just one year after highly irregular elections that are considered to have significantly contributed to this year's crisis of authority. Candidates contested seats in 115 electoral zones, while the remaining forty seats were allotted proportionally according to an additional vote for political parties.

Albania emerged from decades of ruthless, isolationist Stalinist rule in the early 1990s, and made significant strides in the development of human rights and economic progress since the ruling Democratic Party came to power in 1992. Social polarization stalled the development of a civic society, however, and contributed to a trend of increasingly limited tolerance of opposition that began in late 1994. Corruption and an absence of legitimacy plagued the government, despite a super-majority achieved through elections in May 1996, leaving it completely unable to respond to open rebellion following the collapse of “pyramid” investment schemes in which a significant share of the Albanian population had invested heavily. More than 1,000 people were killed in the violence, much of it related to the formation of rival gangs in Vlora and other southern cities, where *ad hoc* groups of rebels called “salvation committees” formed to replace local authorities. Complete civil war and anarchy were averted only through international intervention, the mediation efforts of the OSCE's Ambassador Franz Vranitzky, the deployment of a multinational protection force under Italian leadership to secure humanitarian aid deliveries, and close supervision of preparations for new elections to restore legitimate civil authority. A coalition government, led by Socialist Bashkim Fino, was formed on an interim, emergency basis, to provide some confidence in the state until they could hold the elections in late June.

Feeling compelled to hold elections quickly to reduce conflict and legitimize an Albanian regime, the OSCE and other international participants abandoned previously applied international norms for free and fair elections. The international community pressed the Albanian political parties—while they jockeyed for political advantage to their country's detriment—to accept

minimal standards to permit the will of the people to be expressed. Given the fear caused by ongoing violence, poor infrastructure, and the lack of security throughout the country that led to the intimidation of and violence against some election officials during the voting, even these minimum standards were achieved only with great effort, and the elections were only deemed acceptable, not free and fair. The results were a tremendous victory for the Socialist Party, which, having few democratic credentials of its own, is of some concern. However, continued international involvement will seek to encourage some power sharing in order to prevent further political polarization and retribution against a new opposition, and the new political leadership, with its more than two-thirds majority, at least needs a chance to move forward before judgement is made.

Whether the elections will restore legitimate authority and reunite the country remains to be seen. The strong role of personalities in Albanian politics and the absence of any real public understanding of how a democracy is supposed to function undoubtedly mean that Albania will remain in a tenuous state of transition for years to come, and that progress requires continued international involvement. If the international community, frustrated by the behavior of Albania's political leaders, decides to limit its involvement, the country might again fall into violent chaos with potentially dangerous regional repercussions. Unless gang activity is brought under control and the economic dimension of the country's crisis is addressed, moreover, democratic development in Albania will remain on hold. Assistance in building democratic institutions, especially regarding the judiciary, law enforcement and the media, should also be resumed as security for such activity is enhanced. Albanian citizens can likely find some comfort in the fact that neighboring Greece and Italy, and more distant countries like the United States, are sufficiently concerned about their plight to remain actively engaged, especially through the continued involvement of the OSCE.

Leading up to the elections, the Helsinki Commission held a public briefing on the varied international efforts to stabilize the country, and the Commission Co-Chairmen issued an appeal for calm just prior to election day. Two members of the Commission staff observed the elections and issued a report upon their return.

✉ Bob Hand

Nikitin Faces New Charges, Investigation Extended

Alexandr Nikitin, the former Russian naval officer whose work with a Norwegian environmental group led to his arrest last year for allegedly divulging state secrets [see *CSCE Digest*, Vol. 20, No. 5], has had two new charges filed against him by the Russian Federal Security Service (FSB). The FSB filed a charge of "disclosure of state secrets" based on Russia's old criminal code, a charge of "high treason" based on the new Russian criminal code that took effect at the beginning of 1997, and they have extended the investigation until the middle of September.

Nikitin's defense attorney argues that the charges have been formulated in a way that increases the severity of Nikitin's punishment if convicted, a practice inadmissible under Russian law, and that much of the case that the FSB has built against Nikitin is based on secret directives that have not been published, a breach of the Russian Constitution.

Nikitin, who spent ten months in 1996 in confinement and is unable to leave Russia, has been classified by Amnesty International as Russia's only post-Soviet political prisoner. ✉ John Finerty

Russian Religion Experts Brief Commission Staff on Recent Legislation; Yeltsin Vetoes Religion Law

Commission staff met with Chairman Anatoly Pchelintsev of Moscow's Institute on Religion and Law and Katya Smyslova, chief of the Institute's legal department, on July 14 to discuss the recent legislation on religious organizations passed by Russia's parliament.

Pchelintsev and Smyslova said that dozens of denominations that have formed within the last fifteen years will lose their ability to own property and have bank accounts under the proposed legislation, violations of the Russian Constitution as well as international agreements to which Russia is a signatory.

Pchelintsev reported that most legislators had not read the bill before they voted on it. Moreover, Viktor Zorkaltsev, Chairman of the Duma's Committee on Religious Affairs, consistently misled the deputies by citing an incorrect comparison with Lithuanian legislation on a 15-year term for registering religious organizations.

While the leaders of "minority" denominations convened a conference in Moscow to coordinate opposition to the legislation, Pchelintsev said that "hundreds of letters opposing the bill [were] coming in every week" from members of churches that would be affected if President Yeltsin were to approve the legislation.

There were no reliable indications before the meeting as to which way Yeltsin would decide the issue, although in the past he had consistently upheld religious freedom. However, Pchelintsev and Smyslova felt that the longer Yeltsin waited, the more domestic and international opposition would have an opportunity to reach him, and the better the chance of a veto. Many legal advisors were publicly stating that this law would be unconstitutional; however, whether or not that message was reaching the President was unknown. Ironically, the domestic Russian press appears to have been ignoring the issue.

President Yeltsin had fourteen days to sign or reject the bill according to the Russian Constitution. Theoretically, if he did not take action, the deadline would simply have been extended since there is no "pocket veto" under Russian law.

On July 22, President Yeltsin vetoed the law. In rejecting the measure, Yeltsin said, "Many provisions of the law infringe on constitutional rights and freedoms of individuals and citizens, establish inequality between different confessions and violate Russia's international obligations."

Most important, he said, the law could become the basis for religious feuds inside Russia, whose 1993 constitution guarantees freedom of worship. "There can be no democratic society," Yeltsin said, "where the interests of any minorities among our citizens are not protected." The law officially would have recognized the central role of the Orthodox Church in Russian history and culture and pledged "respect" to Islam, Buddhism, Judaism and other "traditional" religions. ✉ John Finerty

Commission Leads in Alerting OSCE to Russia's Religion Law

The Helsinki Commission has been at the forefront in trying to alert the governments of the OSCE participating States about the possible problems with the proposed religion law vetoed by Yeltsin on July 22. On June 9, the Commission released the following press release entitled "Helsinki Commission Urges Russia's Duma to Reject Proposed Restrictions on Religion."

"The Commission on Security and Cooperation in Europe today sent messages to the leaders of Russia's Duma urging them to defeat proposed legislation that they claim would discriminate against particular religious denominations and be in violation of several international agreements to which the Russian Federation is a signatory. In a two-hour, closed session from which journalists and the public were excluded, the Duma's Committee on Religious Affairs approved this past week legislation that would supplant much of Russia's 1990 Law on Freedom of Conscience. A vote by the full Duma is expected June 18.

" 'Russia's present national legislation on religious freedom permits all persons in Russia to worship according to their conscience and is in compliance with international agreements such as the Helsinki Accords,' said Commission Chairman Senator Alfonse D'Amato (R-C-NY). 'We hope that our colleagues in both the Russian Duma and the Federation Council will not create new laws that violate these agreements, or discriminate against law-abiding Russian citizens and foreign visitors. We urge them to reject any discriminatory legislation.' "

"Commission Co-Chairman Christopher H. Smith (R-NJ) pointed out, 'For some time now we have noticed Russian localities enacting legislation that is clearly out of step with the international norms for religious liberty. If this proposed national legislation passes, it may presage the curtailment of religious freedom throughout Russia.'

"According to the Keston News Service in Moscow, controversial elements of the legislation include: a preamble which places Orthodoxy above Islam, Judaism and Buddhism, and these four religions above all others; provisions denying for a 15-year period legal status to 'new' religious groups; a commission of 'state experts' to review the doctrines and practices of groups applying for registration; and, a requirement that a reli-

gious group produce 100,000 signatures in order to receive 'all-Russian' status."

Upon hearing that the proposal had been vetoed, the Commission released on July 23 the following, entitled "Thank You, President Yeltsin!":

"Chairman Sen. Alfonse D'Amato (R-C-NY) today released the following statement regarding Russia's President Yeltsin's veto of the proposed new law on religion that would have severely restricted religious freedom:

"I welcome the news from Moscow that President Yeltsin has rejected the legislation on religious practice recently proposed by the Russian parliament. This legislation would have imposed unjustified limitations on religious practice in Russia, and discriminated against religious minorities. As we know, this issue had been followed closely by religious believers and human rights activists in Russia, and by their supporters abroad.

"I have on various occasions been critical of Mr. Yeltsin and his government. However, to give him credit, he has consistently stood up for religious freedom for all believers in his country. His stand this time was especially courageous when we consider that the bill was passed overwhelmingly by both houses of the Russian parliament and the propaganda campaign by so-called 'nationalists' against 'foreign' influences in Russia. Nevertheless, in his message rejecting the bill, Mr. Yeltsin accurately stated that 'many of articles in the bill infringe the constitutional rights and freedoms of the citizen, establish inequality of different faiths and contradict international obligations undertaken by Russia.' *Reuters News Agency* reports that he went on to say that 'signing the bill in its present form... would have led to religious conflicts inside the country.'

"About a quarter of Russia's 89 regions have already passed local legislation that violates the 'equal protection' provisions of the Russian constitution. Indeed, Mr. Yeltsin's veto could be overridden by the parliament with a two-thirds vote. However, we may trust and hope that President Yeltsin's stand will remind legislators and government officials throughout Russia that there are guarantees of religious freedom in the Russian Constitution and that Russia is a signatory of international agreements providing for religious freedom and non-discrimination against believers.

"Thank you, President Yeltsin, for a wise and courageous decision."

Peace Accord Reached in Tajikistan

After five long years, Tajikistan's civil war—the costliest conflict in terms of casualties in the former Soviet Union—may be over. United Nations-sponsored negotiations underway since 1994 have finally produced a peace accord and the opposing sides have crafted a power sharing arrangement. Provisions are in place for some 20,000 refugees to return with elections planned in twelve to eighteen months.

Tajik President Imomali Rakhmonov and Saidabdullo Nuri, leader of the United Tajik Opposition (UTO), signed the General Agreement on Peace and National Accord on June 27. Among the accord's key features is the creation of a 26-member National Reconciliation Commission, composed of thirteen government and thirteen opposition representatives, and chaired by Nuri. Until elections are held, the opposition will control at least 30 percent of government portfolios. The opposition's fighters will be integrated into the government's force ministries, and 460 fighters will protect opposition leaders in Dushanbe. On July 10, the Reconciliation Commission came to terms on a general amnesty that will allow members of the UTO to return to Tajikistan legally.

The General Agreement was signed in the Kremlin, testifying to Russia's key mediating role. Moscow had backed Tajikistan's Government against the opposition—a melange of democratic, Islamic and regional forces—since the war broke out in 1992, but has obviously rethought its priorities and acknowledged that they cannot defeat the opposition at an acceptable military cost. Moreover, the advance of the Taliban forces in Afghanistan, which Tajik opposition fighters had used as a staging ground for assaults against Russian and Tajik Government forces, has also convinced Moscow (and, apparently, anti-Taliban, Shiite Iran) that they must stabilize Tajikistan in the face of the new threat from (Sunni) Islamic fundamentalism.


As many analysts have pointed out, however, it is too soon for rejoicing. Though Moscow seems determined to end the conflict, several potential spoilers exist. Foremost among them is Abdumallik Abdullojanov, Tajikistan's former Prime Minister and Chairman of the Party of National Revival. Abdullojanov represents the interests of Leninabad, the country's most populous and

wealthy oblast, which had produced Tajikistan's rulers since the 1930s. By contrast, President Rakhmonov and his followers are from Kulyab oblast, whereas Nuri and most of the opposition are associated with the mountainous region of Karotegin. Yet Abdullojonov was not invited to participate in the peace talks or the Reconciliation Commission, and his followers have been given no positions in the coalition government. With no stake in the agreement and no incentive to promote its success, Abdullojonov has every reason to undermine its implementation, and can count on the backing of the population in northern Tajikistan.

Abdullojonov also has the presumed support of Uzbek President Islam Karimov whose country borders Leninabad oblast and is Abdullojonov's base of operations. Karimov did not authorize Uzbekistan's signature as guarantor of the Tajik peace agreement, indicating that Russia and Uzbekistan—though they share deep concerns over Taliban victories in Afghanistan—continue to compete for influence in Tajikistan, and that Tashkent will not play along unless its interests and those of its allies in northern Tajikistan are taken into account.

If the government in Dushanbe does not see these dangers, the opposition does. On June 28, UTO first deputy leader Akbar Turajonzade told *Interfax* that Dushanbe's unwillingness to include representatives of other parties and movements, specifically mentioning Abdullojonov, was a mistake and could jeopardize prospects for peace.

Apart from Abdullojonov, any number of military commanders, who are well armed with strong local bases, could resume hostilities or simply block the establishment of a unified country with a recognized government exercising authority over its entire territory. Even if they could be brought over, the process of sharing government portfolios and dividing the economic pie among all the various movements and factions will require masterful diplomacy.

Still, the peace accord and all its attendant problems are far preferable to the alternative. Tajikistan's population has not known peace since the country became independent. The understanding between the government and the opposition may finally have laid the groundwork for the broader reconciliation that will be needed for enduring stability.  Michael Ochs

Commission Co-Chairmen Cite Turkey's Dismal Rights Record in Opposing Holding OSCE Summit in Istanbul

Chairman Sen. Alfonse D'Amato (R-C-NY) and Co-Chairman Rep. Christopher H. Smith (R-NJ) wrote to Secretary of State Madeleine Albright in late July to repeat their steadfast opposition to Turkey as the venue for an Organization for Security and Cooperation in Europe (OSCE) summit meeting. The letter urged the State Department to maintain the United States' refusal to give consensus to the Turkish proposal that the next summit be held in Istanbul.

"The United States should withhold consensus on any proposal to hold an OSCE summit in Turkey until and unless Ankara has released the imprisoned Democracy Party (DEP) parliamentarians, journalists and others detained for the non-violent expression of their views; ended the persecution of medical professionals and NGOs who provide treatment to victims of torture and expose human rights abuses; and begun to aggressively prosecute those responsible for torture, including members of the security forces," the Co-Chairmen urged.

The Commission leaders called for additional measures aimed at improving Turkey's human rights record, including abolishing Article 8 of the Anti-Terror Law, Article 312 of the Penal Code, and other statutes that violate the principle of freedom of expression and ensuring full respect for the civil, political, and cultural rights of members of national minorities, including ethnic Kurds.

"Last November, the Republic of Turkey—an original OSCE participating State—first proposed Istanbul as the site for the next OSCE summit. At that time, we wrote to Secretary Christopher urging that the United States reject this proposal. A decision was postponed until the Copenhagen Ministerial, scheduled for this December, and the Lisbon Document simply noted Turkey's invitation. Regrettably, there has been no improvement in Turkey's implementation of OSCE human rights commitments in the eight months since our original letter to the Department. Despite a number of changes in Turkish law, the fact of the matter is that even these modest proposals have not translated into improved human rights in Turkey. Ankara's flagrant violations of OSCE standards and norms continues and the problems raised by the United States Delegation to the OSCE Review Meeting last November persist," the two concluded.

D'Amato and Smith cited numerous ongoing human rights violations in Turkey as the basis for their opposition to convening the next OSCE summit in Istanbul.

Expert witnesses at a recent Commission briefing underscored the continued, well-documented, and widespread use of torture by Turkish security forces and the failure of the Government of Turkey to take determined action to correct such gross violations of OSCE provisions and international humanitarian law. The Co-Chairmen noted that the much heralded reduction of periods for the detention of those accused of certain crimes has failed to deter the use of torture. Turkish authorities continue to persecute those who attempt to help the victims of torture, as with Dr. Tufan Köse, who was fined for refusing to give Turkish authorities the names of his patients, which would have violated the confidentiality of the doctor-patient relationship.

Other concerns mentioned were the continued harassment of human rights monitors, including the Human Rights Foundation of Turkey and the Human Rights Association, and the jailing of journalists. According to a recent report issued by the Committee to Protect Journalists, seventy-eight journalists were in jail in Turkey at the beginning of 1997—more than in any other country in the world.

The Co-Chairmen expressed particular concern over the many human rights abuses against Kurds in Turkey. The Kurdish Cultural and Research Foundation offices in Istanbul were closed by police in June to prevent the teaching of Kurdish language classes. In addition, four former parliamentarians from the now banned Kurdish-based Democracy Party (DEP): Leyla Zana, Hatip Dicle, Orhan Dogan, and Selim Sadak, who have completed three years of their 15-year sentences, remain imprisoned at Ankara's Ulucanlar Prison. Among the actions cited in Leyla Zana's indictment was her appearance before the Helsinki Commission. D'Amato and Smith also raised the case of human rights lawyer Hasan Dogan, a member of the People's Democracy Party (HADEP), who, like many members of the party, has been subject to detention and prosecution.

The State Department's *Country Reports on Human Rights Practices* for 1996 concluded that Turkey "was unable to sustain improvements made in 1995 and, as a result, its record was uneven in 1996 and deteriorated in some respects." While Turkish civilian authorities remain publicly committed to the establishment of a rule of law state and respect for human rights, torture,

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have addressed the matter, and actually may define self-determination by precedent. In reality, however, a number of important self-determination issues remain unsettled in the Balkans alone, and the only precedent that seems established is that resolution is best reached through conflict. Even in Bosnia-Herzegovina, where the international community proclaims the issue settled, it remains unclear whether the country has actually been reunited—or partitioned.

In recent weeks, the need for a principled uniform position on self-determination to resolve ongoing disputes became evident in negative developments around the region:

Kosovo: Attacks this year on Serbian officials suggest that some Kosovar Albanians may no longer see their aspirations for an independent state as achievable through the non-violent means advocated by their declared President, Ibrahim Rugova. In response, Serbian authorities in June added to the general repression, marked by police brutality and ethnic discrimination, by putting on trial for terrorism more than thirty Albanians allegedly belonging to the “Liberation Army of Kosova.” The proceedings have been so irregular—including the reported use of torture to obtain confessions—that the lack of due process overshadows any conclusions concerning guilt or innocence. At a July 10 Capitol Hill conference, Janusz Bugajski of the Center for Strategic and International Studies reported that the Kosovar Albanian policy of peaceful resistance is cracking, radical approaches are getting more support and the resulting situation may be rapidly deteriorating. Representative Eliot L. Engel (D-NY) asked why the Albanians of Kosovo are denied the same rights of self-determination observed for other peoples of the former Yugoslavia through the recognition of their independent republics.

The Sandzak: Straddling the Serbian-Montenegrin border just north of Kosovo, leaders of the Sandzak’s Bosniac (Muslim) population attempted to convene a mid-July session of their national council to discuss, among other things, the situation in and status of the Sandzak which they, but not the authorities, view as a distinct entity. Serbian police blocked the meeting while Serbian officials took over local authority of Novi Pazar Municipality and stripped the national council’s leader, Sulejman Ugljanin, of his immu-

nity as an elected member of the Yugoslav parliament to initiate criminal proceedings against him.

Macedonia: Riots on July 9 led to the death of two ethnic Albanians and the wounding of dozens of others, including police officers, in the town of Gostivar, one of several locations in the country where local officials, in violation of the law, fly the Albanian instead of the Macedonian flag. The mayor was arrested for inciting violence, and many others for firearms violations. Tensions also rose in nearby Tetovo. The situation in Macedonia is not like that in Serbia, in that ethnic Macedonian and Albanian moderates share power and cooperate in government while radicals from each side encourage social polarization. Self-determination, however, is similarly at issue, as the large ethnic Albanian population in Macedonia is not satisfied with what Macedonians view as considerable steps in the fields of education and administration.

One necessary approach to these problems is to criticize the resulting denial of individual human rights where they occur, such as the rights to free expression, free association, and a fair trial. Defining the collective right of self-determination, however, could lead to complementary, conflict-preventing action by putting the brakes on defenders of the state and advocates of separatism alike. At present, some states deny this right, while nationalist representatives of some populations abuse it, and solutions negotiated through high-level envoys—as with Bosnia-Herzegovina—focus only on one case at a time, most often with an emphasis on ends as opposed to means. This leads to more inconsistency and new problems, especially since governments engage the issue based on whether they are resisting separatist trends at home, supporting them in neighboring states (in some cases they actually attempt to do both) or simply trying to find the quickest route to some short-term stability.

A draft provision on self-determination was introduced at the early-July session of the OSCE Parliamentary Assembly in Warsaw, Poland. Subsequent debate, however, revealed the lack of an international consensus—if any *desire* to find an effective approach existed at all—on a standard. The need for such a standard as a tool for conflict prevention or resolution is clear, as are the various imperative national interests blocking its creation.

✉ Bob Hand

Tadic, proceeded to a hearing on the merits on May 7, 1996. On May 7, 1997, Tadic was found guilty on 20 of 31 counts against him, and acquitted on eleven counts. On July 14, Tadic received prison sentences totaling 97 years, to run concurrently for twenty years.

Drazen Erdemovic, an ethnic Croat who fought with Bosnian Serb forces, is the first indicted person to plead guilty, admitting on May 31, 1996, his involvement in the killings of 1200 Bosnian people after the fall of the U.N.-designated "safe haven" of Srebrenica in July 1995. (Erdemovic also testified against Karadzic and Mladic in July 1996.) On November 19, 1996, Erdemovic was sentenced to ten years in prison.

The Tribunal has jurisdiction over individuals responsible for war crimes, crimes against humanity, and genocide committed on the territory of the former Yugoslavia after January 1, 1991. Guilt must be proved beyond a reasonable doubt. The maximum sentence is life imprisonment.

Judge Richard Goldstone of South Africa served as Chief Prosecutor and as prosecutor for the Rwandan

War Crimes Tribunal. He was succeeded on October 1, 1996, by Judge Louise Arbour of Canada.

The Tribunal consists of two trial chambers, each with three judges, and one appeals chamber with five judges. The appeals chamber is shared with the Rwandan War Crimes Tribunal. An American, Judge Gabrielle Kirk McDonald, was elected president of one of the trial chambers.

A state-to-state suit brought by Bosnia-Herzegovina against Serbia-Montenegro for a claim of genocide was lodged before the International Court of Justice on March 22, 1993 and is still pending. Jurisdiction in that case has been upheld.

Two pending class action suits, joined on appeal, have been brought before U.S. courts alleging violations of the Alien Tort Act and the Torture Victims Protection Act by Bosnian-Serb leader Radovan Karadzic. Jurisdiction was upheld by United States Supreme Court in June 1996.

✉ Erika Schlager

Commission Leadership Voice Support for Turkish Doctor

The Commission initiated a letter to Korkut Özal, Head of the Turkish Delegation to the OSCE Parliamentary Assembly, expressing grave concern over the continued harassment and persecution of medical professionals who provide treatment to victims of torture in Turkey. The letter was signed by Commission Chairman Sen. Alfonse D'Amato (R-C-NY), Co-Chairman Rep. Christopher H. Smith (R-NJ), Ranking Members Sen. Frank R. Lautenberg (D-NJ) and Rep. Steny H. Hoyer (D-MD), and Commissioners Reps. John Edward Porter (R-IL) and Frank R. Wolf (R-VA) who were joined by a number of their colleagues, including Senator Paul Wellstone (D-MN), Reps. House International Relations Committee Chairman Benjamin A. Gilman (R-NY), Tom Lantos (D-CA) and three Members of Congress who are also medical doctors, ophthalmologist John Cooksey (R-LA), family physician Donna Christian-Green (D-VI), and internist Dave Weldon (R-FL). The issue also had been raised during the 1996 Stockholm meeting of the OSCE Parliamentary Assembly and again by members of the Assembly delegation that recently visited Turkey earlier this year.

"The Turkish Government's demand that physicians provide authorities with the names of torture victims seek-

ing treatment represents a serious breach of internationally accepted medical ethics which protect physician-patient confidentiality. We urge you to take immediate steps to end this practice that contravenes the World Medical Association's 1948 Geneva Declaration," the letter stated.

In May, Dr. Tufan Köse, the chief physician at Human Rights Foundation of Turkey's Adana center for victims of torture, was fined TL 18,000,787 under Article 530 of the Turkish Penal Code, for refusing to furnish the authorities with information on his patients. Government officials sought access to Dr. Köse's confidential medical files on the pretext that the information could be used to prosecute those responsible for the torture. The court's decision in this case has far-reaching implications for Turkish medical professionals and serious consequences for torture victims in need of medical treatment. Dr. Köse's case is currently under appeal.

"We urge you to act to uphold the confidentiality of the physician-patient relationship, in keeping with internationally accepted medical ethics, while seeking to root out those members of security forces and police responsible for torture," the letter concluded.

✉ Ron McNamara



OSCE PA in session in Poland's Sejm

Assembly, continued from page 71

Kyrgyzstan and Turkmenistan.) The strong U.S. delegation's able and effective representation of the United States served to underscore our nation's commitment to the OSCE and the PA.

The overarching theme of this year's Assembly was implementation of OSCE principles and commitments. The work of the PA was divided into three general committees, each of which debated, amended, and passed a resolution that was ultimately submitted to the body as a whole for consideration.

Chairman Hyde and fellow members of the Committee on International Relations King and Hastings participated in sessions of the General Committee on Political Affairs and Security (the First Committee). The U.S. delegation advanced language emphasizing the primary responsibility of OSCE participating States in raising violations of Helsinki commitments, and stressed the importance of taking full advantage of existing OSCE meetings to raise implementation concerns instead of creating new mechanisms and institutions for such purposes. The delegation was also instrumental in pressing for adoption of an amendment preserving the right of OSCE states to join military alliances, a particularly timely issue as the Warsaw meeting came on the eve of the Madrid NATO summit at which Poland, the Czech Republic, and Hungary were invited to begin accession negotiations on membership in the Alliance. Approval of the U.S. text

was viewed as an indication of continued support for the aspiration of the Baltic States to join NATO, despite Russian opposition.

Additional U.S.-sponsored amendments in the First Committee focused on developments in the former Yugoslavia, the continued presence of Russian troops in Moldova, and political developments in Belarus. An amendment concerning certain irregularities surrounding Slovakia's May 23 referendum was not approved. A draft amendment on Turkey's proposal to be host to the next summit meeting of OSCE Heads of State or Government was withdrawn. At the conclusion of the Committee's work, Mr. Hastings was elected rapporteur and will be responsible for preparing a report and draft resolution for consideration at next year's Assembly, scheduled to be held in Copenhagen.

Representatives Dingell, Clement, Danner and Hinchey participated in the General Committee on Economic Affairs, Science, Technology and the Environment (the Second Committee). Mr. Hinchey participated in the general debate on the Committee's draft resolution, and a proposal for an OSCE Economic Charter submitted by the German delegation, and raised issues concerning labor and the environment. A proposed U.S. amendment concerning property restitution in the post-Communist states raised serious concerns among the Polish, German and other European delegations. After

a series of intensive bilateral sessions with the Poles and Germans, the U.S. delegation decided to withdraw its amendment. Speaking for the delegation in committee, Mr. Dingell welcomed the debate on the issue and indicated the intention of the U.S. delegation to continue the dialogue and revisit the matter in the future.

The United States was represented in the General Committee on Democracy, Human Rights and Humanitarian Questions (the Third Committee) by Senator Hutchinson and Representatives Hoyer, Slaughter and Jackson. The focus of debate in the Third Committee was freedom of the media. Mr. Hoyer moved several amendments designed to shift the draft resolution away from an overly statist approach to media issues. In addition, the U.S. delegation injected language calling on countries (primarily post-Communist) to repeal criminal defamation laws that continue to be used to penalize criticism of the state or government. Mrs. Slaughter spoke on a freestanding resolution on rape as a war crime offered by the Swedish delegation, drawing attention to the fact that last year some rape victims declined to testify against Dusan Tadic because of insufficient guarantees for their safety.

Besides its work in the committees, the U.S. delegation undertook important bilateral meetings with the Russian delegation, headed by the Speaker of the Duma, Gennady Seleznev, the Slovak delegation, and the Speaker of the Parliament of Uzbekistan, Mr. Erkin Kalilov. Senator Hutchinson met with the Foreign Minister of Poland, Mr. Dariusz Rosati, to discuss Poland's accession to NATO.

The final resolution as adopted by the Assembly will be forwarded to the governments of the OSCE participating States for their consideration at future OSCE meetings and is available to the public from the Helsinki Commission. At the closing session of the meeting, the Assembly reelected its President, Mr. Javier Ruperez, who is Chairman of the Foreign Affairs Committee of the Spanish House of Representatives, and five Vice-Presidents: Mr. Willy Wimmer of Germany, Mr. Gennady Seleznev, Speaker of the Russian Duma, Ms. Irena Lipowicz of Poland, Mr. Bill Graham of Canada, and Mr. Claude Estier of France.

As at past meetings of the Parliamentary Assembly, the strong U.S. delegation in Warsaw played a key role in ensuring that the Assembly continues to serve as a tool for integrating emerging democracies and newly in-

dependent states into Western structures; as a vehicle for coordinating the activities of parliamentarians in areas of common concern; and as a conduit for communicating to our governments priorities for the diplomatic meetings of the OSCE. But for U.S. participation at this meeting, sensitive issues of U.S. concern would have been addressed in only a superficial or cursory fashion.

☞ Marlene Kaufmann



Summit, *continued from page 77*

excessive use of force, and other serious human rights abuses by the security forces continue.

"It is most unfortunate that Turkey's leaders, including President Demirel—who originally signed the 1975 Helsinki Final Act on behalf of Turkey—have not been able to effectively address long-standing human rights concerns," the Co-Chairmen observed.

They concluded, "While some may argue that allowing Turkey to host an OSCE summit meeting might provide political impetus for positive change, we are not convinced, particularly in light of the failure of the Turkish Government to improve the human rights situation in the eight months since it proposed to host the next OSCE summit.

"The privilege and prestige of hosting such an OSCE event should be reserved for participating States that have demonstrated their support for Helsinki principles and standards—particularly respect for human rights—in both word and in deed. Turkey should not be allowed to serve as host of such a meeting given that country's dismal human rights record. Promises of improved human rights alone should not suffice. Turkey's desire to host an OSCE summit must be matched by concrete steps to improve its dismal human rights record."

☞ Ron McNamara

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